

Approved:

Matthew Hellman

MATTHEW J.C. HELLMAN / JACOB H. GUTWILLIG /
MICHAEL D. LOCKARD
Assistant United States Attorneys

Before: THE HONORABLE SARAH L. CAVE
United State Magistrate Judge
Southern District of New York

22 MAG 6185

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UNITED STATES OF AMERICA : **SEALED COMPLAINT**
: :
- v. - : Violation of
: 18 U.S.C. §§ 922(k) & 2
KHALID MEHDIYEV, : :
: COUNTY OF OFFENSE:
Defendant. : BRONX
: :
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SOUTHERN DISTRICT OF NEW YORK, ss.:

SPECIAL AGENT DEREK KASSE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation (the "FBI"), and charges as follows:

COUNT ONE

(Possessing a Firearm with an Obliterated Serial Number)

1. In or about July 2022, in the Southern District of New York and elsewhere, KHALID MEHDIYEV, the defendant, knowingly did possess and receive a firearm which had the importer's and manufacturer's serial number removed, obliterated, and altered and which had been shipped and transported in interstate and foreign commerce, to wit, MEHDIYEV possessed a Norinco AK-47-style assault rifle manufactured in China and having a removed and obliterated serial number.

(Title 18, United States Code, Sections 922(k) & 2.)

The bases for my knowledge and for the foregoing charge, are, in part, as follows:

2. I am a Special Agent with the FBI. In the course of my duties with the FBI, I received training in, and participated in, investigations of violations of U.S. criminal laws.

3. I have been personally involved in the investigation of this matter. This affidavit is based upon my own knowledge, my conversations with others, including other law enforcement agents and officers, and my examination of video surveillance, reports, and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. In the course of my investigation, I have learned, in substance and among other things, the following:

4. KHALID MEHDIYEV, the defendant, was observed by members of law enforcement in the vicinity of a residence (the "Residence") located in Brooklyn, New York, on July 27 and July 28, 2022. On July 28, 2022, MEHDIYEV arrived in the vicinity of the Residence in the morning in a gray Subaru Forester SUV with an Illinois license plate (the "Subaru") and remained there for several hours. MEHDIYEV behaved suspiciously during that time: among other things, he exited and entered the Subaru several times, ordered food to be delivered to the Subaru, approached the Residence, appeared to attempt to look inside the windows of the Residence, and attempted to open the front door of the Residence. In the afternoon, MEHDIYEV drove away from the Residence. MEHDIYEV was stopped in the vicinity of the Residence by New York City Police Department ("NYPD") officers after failing to stop at a stop sign. MEHDIYEV was the only occupant in the Subaru.

5. The NYPD officers who stopped KHALID MEHDIYEV, the defendant, in the Subaru, determined that MEHDIYEV was driving without a license and that MEHDIYEV's license had been suspended, in violation of New York State law. MEHDIYEV was placed under arrest.

6. A search of NYPD databases revealed that the Subaru was issued a parking ticket on or about July 23, 2022, on the block where the Residence is located.

7. Following the traffic stop described above, KHALID MEHDIYEV, the defendant, was taken to an NYPD precinct house in Brooklyn. During an inventory search of the Subaru subsequent to MEHDIYEV's arrest, members of the NYPD found, among other things, on the rear seat of the Subaru, a suitcase containing a Norinco AK-47-style assault rifle (the "AK-47"), loaded with a round in the chamber and a magazine attached, along with a

separate second magazine, and a total of approximately 66 rounds of ammunition. The serial number of the rifle appears to have been obliterated. The AK-47 is stamped with, among other things, markings which read "MADE IN CHINA BY NORINCO."¹ The AK-47, magazines, and ammunition recovered from the vehicle driven by MEHDIYEV are shown below:



8. The suitcase found in the Subaru also contained, among other things, \$1,100 in U.S. currency, consisting of 11 \$100 bills; a wallet with a social security card in the name of KHALID MEHDIYEV, the defendant; an expired employment authorization card from U.S. Citizenship and Immigration Services in MEHDIYEV's name; several bank cards bearing MEHDIYEV's name; a New York State Driver's Learner's Permit in MEHDIYEV's name and bearing a photograph which appears to depict MEHDIYEV; and an electronic device charger. Also recovered during the inventory search of the Subaru were two other license plates with different license plate numbers and issuing states than the Illinois license plate on the Subaru. MEHDIYEV also had approximately \$70 in U.S. currency on his person.

9. The New York State Learner's Permit issued to KHALID MEHDIYEV, the defendant, and in his possession at the time of

¹ Norinco is a Chinese state-owned company that manufactures, among other things, firearms, ammunition, and military supplies.

the car stop, lists an address in Yonkers, New York as his residence (the "Yonkers Address").

10. At the NYPD Brooklyn precinct house, KHALID MEHDIYEV, the defendant, was advised of his Miranda rights and waived those rights and agreed to answer questions. During the ensuing interview, the following occurred, in substance and in part:

a. MEHDIYEV stated that he has been staying at the Yonkers Address and woke up there the morning of July 28, 2022.

b. MEHDIYEV claimed that the rent was too high and he needed to find a new place to live, and was in the vicinity of the Residence in Brooklyn because he was looking for a new apartment. MEHDIYEV further claimed that he had also been in the vicinity of the Residence the day prior to his arrest. MEHDIYEV further claimed that: he attempted to open an outer door of the Residence so that he could knock on the inner door, and ask the occupants if they were interested in renting him a room, but changed his mind because he might wake up a sleeping or sick occupant; he had cash in order to rent a hotel room if necessary; and he had borrowed the Subaru and needed to return it to the Yonkers Address.

c. Without having previously been questioned about the assault rifle found in the Subaru, MEHDIYEV volunteered that he did not know anything about a gun, and during subsequent questioning, he claimed that the suitcase recovered from the backseat of the Subaru was not his. MEHDIYEV further stated that the suitcase was on the backseat of the Subaru when he borrowed the Subaru in the morning, and remained in the Subaru as he drove the Subaru from Yonkers, to New Rochelle, and then to Brooklyn. MEHDIYEV further claimed that he had placed his wallet, an electronic device charger, and other personal effects inside the front pocket of the suitcase for safekeeping, but had not observed that the main compartment of the suitcase contained the AK-47.

d. Later, after the interviewing agents had left the interview room, MEHDIYEV asked to speak with the agents again, and then told the agents that the AK-47 was his, and that he had been in Brooklyn because he was looking for someone. At that point, MEHDIYEV invoked his right to counsel and stated that he would not discuss the matter further at that time.

WHEREFORE, the deponent respectfully requests that a warrant issue for the arrest of KHALID MEHDIYEV, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.

/s Derek Kasse (By Court with Auth)

DEREK KASSE
Special Agent
Federal Bureau of Investigation

Sworn to before me by
reliable electronic means
this 29th day of July, 2022


HONORABLE SARAH L. CAVE
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK